

NEBRASKA

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DEPT OF CORRECTIONAL SERVICES



Pete Ricketts, Governor

September 27, 2019

Emma Best
MuckRock
80752-01145614@requests.muckrock.com

RE: Public Records Request

Dear Ms. Best,

I am writing in response to your request for public records that was received on September 23, 2019. Your request is for records “describing, authorizing or mentioning expenses or personnel assignments in response to or accommodation of visits from officials in the federal government” to the Nebraska Department of Correctional Services (NDCS) between January 1, 2001, and September 23, 2019. In accordance with Neb. Rev. Stat. § 84-712, a response is due to your request within four business days, which calculates to September 27, 2019.

NDCS cannot, with reasonable good faith effort, fulfill this request within four business days. Below is our estimate of the time it would take to fulfill your request. In accordance with Neb. Rev. Stat. § 84-712(3), you are provided the first four **staff hours** for this request free of charge. Any additional **staff hours** will be charged at a rate of **\$19.95/hour**. Please note that if you choose to pursue the email search described below, the cost of running the search is NOT considered staff hours. As such, payment for running the search will be required at the rate listed below, NOT at the staff hours rate. Additionally, running the email search will not count towards the four hours of staff time provided free of charge. We will not proceed with any portion of this request until you give written confirmation that you will accept the cost associated with the estimate below.

NDCS does not keep fiscal records that distinguish between expenses that are related to visits from federal officials and those related to other types of travel. As such, completing this portion of your request would be extremely time-consuming, especially given that reimbursements may have been paid to individuals directly and not to a federal entity. Due to NDCS’ retention policy, it is unlikely that associated documentation from before 2014 will be located. We estimate that locating fiscal records of travel expenses paid to federal entities and associated documents would take NDCS team members **190 staff hours** to complete. Locating documents of

Scott R. Frakes, Director

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payments to officials individually would take hundreds of additional hours.

NDCS also does not keep records of which NDCS team members were assigned duties related to visitors from the federal government. It is possible that an employee referenced a federal visit in the comments section of a form used to record off-premise clock-ins. Any such document would be exempt from disclosure under Neb. Rev. Stat. § 84-712.05(7). If you believe records have been withheld contrary to Neb. Rev. Stat. § 84-712, you may pursue administrative or judicial remedies as outlined in Neb. Rev. Stat. § 84-712.03.

It is possible that there are emails responsive to this request. If you would like an email search conducted to locate any such records, there will be a cost to you in accordance with Neb. Rev. Stat. § 84-712(3)(b)(iii). The cost of running an email search is **\$82.00/email search hour**. If you are interested in having this email search run, please notify me of the keywords and any other parameters you would like for the search. Once the parameters have been determined, I will be able to give you an estimate of how many email search hours it will take. Note that any staff hours necessary to review the results for responsiveness and confidentiality may result in an additional cost to you in accordance with the guidelines listed in the second paragraph of this letter.

Fulfilling this request would take many months. If you wish to pursue any or all of the portions of your request described above, please notify me in writing within ten business days. We would then be able to provide you an estimate of when we would be able to fulfill the request. You may also notify me in writing if you wish to modify or prioritize the items within your request.

Sincerely,



Kathleen Kokensparger
Public Records Manager